

2064

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY YORDY,
Plaintiff

v.

SCOTT BROWN, PAUL EVANKO,
BERON F. STEAGER, AND BARRY L.
BRINSER, et al.,
Defendants

No. 1:01-CV-0206

(Judge Kane)

FILED
HARRISBURG
FEB 20 2001
MAYE E. DANIELA, CLERK
DEPUTY CLERK

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

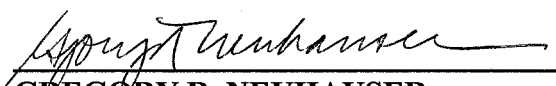
Pursuant to Rule 12(b)(1) and (b)(6) of the Federal Rules of Civil Procedure, defendants Brown, Evanko, Steager and Brinser, by their counsel, move to dismiss the complaint for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. This motion is supported by a memorandum of law to be submitted within ten (10) days.

WHEREFORE, the complaint should be dismissed.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


GREGORY R. NEUHAUSER
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-8106

DATE: February 20, 2001

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CERTIFICATE OF NONCONCURRENCE

Gregory R. Neuhauser, Senior Deputy Attorney General, hereby certifies that
concurrence in the foregoing motion was sought but not obtained from counsel for plaintiff,
Spero T. Lappas, Esquire.



GREGORY R. NEUHAUSER
Senior Deputy Attorney General

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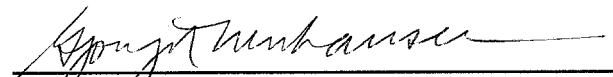
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:
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CERTIFICATE OF SERVICE

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **February 20, 2001**, I caused to be served a true and correct copy of the foregoing document **Defendants' Motion to Dismiss the Complaint**, by depositing it in the United States mail, first-class postage prepaid to the following:

Spero T. Lappas, Esquire
205 State Street
Harrisburg, PA 17101-0808



GREGORY R. NEUHAUSER
Senior Deputy Attorney General